

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

CHARLES WHITE

PLAINTIFF

VS.

CIVIL ACTION NO.: 4:11cv7-SA-JMV

NTC TRANSPORTATION, INC., ET AL.

DEFENDANTS

**ORDER RE: DISCOVERY PLAN**

This matter is before the court on defendants' motion for leave to propound individual discovery to all opt in plaintiffs (#72) and the supplemental motion for such discovery (#67). The court, having reviewed the record, the motion, the briefs of the parties, and the applicable law, and having heard oral argument finds, for the reasons also announced in detail by the court on the record at the conclusion of the motion hearing on January 28, 2013, as follows:

- With regard to the initial plaintiff, Charles White, and two plaintiffs of defendants' choosing who were made affiants in the motion to conditionally certify class, the defendants are allowed the following individually prepared written discovery: twenty interrogatories, twenty requests for production, twenty requests for admission to each. Additionally, Mr. White and the two additional plaintiffs selected by the defendants shall be made available for depositions, each not to exceed two hours in length. This discovery must be complete by April 14, 2013.
- With regard to the balance of the named opt-in plaintiffs, defendant may submit a single set of the same written discovery to each as follows: three succinct interrogatories (no sub-parts), two requests for production, and two requests for admission. This discovery must be propounded by February 14, 2013 and responded to by the plaintiffs within the time allotted by the Federal Rules of Civil Procedure.

- The defendants may take a maximum of five additional depositions of the opt-in plaintiffs chosen at their discretion. These depositions shall be taken within a 100 mile radius of the resident location of the deponent. These depositions shall be limited to one hour each and must be completed by April 14, 2013.
- At the conclusion of the specified discovery on April 14, 2013, should defendants wish to conduct additional discovery of the individual plaintiffs, a motion shall be made for such discovery by April 20, 2013. This motion should clearly articulate the need for additional discovery and include legitimate and practical reasons for its necessity. The plaintiff shall have seven business days to file a response to any such motion.
- Plaintiffs (collectively) and defendants (collectively) are limited to five non-party witness depositions each and plaintiffs (collectively) will be allowed twenty interrogatories, twenty requests for production and twenty requests for admission as to each defendant. In addition, plaintiffs (collectively) shall be allowed to take a 30(b)6 deposition of the corporate defendant's designee(s) and a deposition of each individual defendant in accordance with the FRCP.
- Except as amended by virtue hereof, the CMO and its deadlines, including but not limited to the discovery deadline, shall remain in effect and unchanged. Further, the court being advised that the defendant has not yet satisfied its initial discovery obligations as set out in the CMO (in particular, the obligation to provide the pay and hours worked documentation related to the plaintiffs and opt-ins) and being advised by defense counsel that the same can be provided forthwith, the court orders that the documents shall be made available to plaintiffs' counsel for inspection and copying by 5:00 pm on February 4, 2013.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the Defendants' motion for leave to propound individual discovery to all opt in plaintiffs (#72) is GRANTED in part pursuant to the aforementioned instructions.

This, the 31<sup>st</sup> day of January 2013.

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE